

BASE:	NAS PENSACOLA, FLORIDA
SPECIAL AREA:	CORRY FIELD
TYPE OF ACTION:	<u>CIVIL 97</u>
CONTRACT NUMBER:	
PARTY INVOLVED:	STATE OF FLORIDA
DATE OF ACTION:	

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HDS/HL-13
P-5-7A/RHM/ec1
C10-2-P-8

NOV 1 1943

Honorable Speerard L. Holland,
Governor of Florida,
Tallahassee, Florida.

Sir:

The United States of America became vested with a valid title to 192 acres of land, more or less in Escambia County, Florida on December 5, 1941, pursuant to a declaration of taking filed on that date in the United States District Court for the Northern District of Florida, in the case entitled United States of America v. 192 acres of land, more or less, in Escambia County, Florida, E. C. Haley, et al., P. Civil No. 97. This land was acquired for the purpose of expanding Perry Field, a naval auxiliary air station used in connection with the United States Naval Air Station at Pensacola, Florida.

Formal application is hereby made by the Navy Department on behalf of the United States of America for cession by the State of Florida, pursuant to Section 6.04 Florida Statutes, 1941, of exclusive jurisdiction over the aforementioned land, which is more fully and particularly described as follows:

A tract of land lying in Section 33 and 35, Township 2 South, Range 30 West, Escambia County, Florida, more particularly described as follows:

Beginning at the southeast corner of Section 36, Township 2 South, Range 30 West, thence in a south-westerly direction, along the southerly line of said Section 36, a distance of 6241.5 feet to the southwest corner thereof; thence in a northwesterly direction along the westerly line of said Section 36 a distance of 4110.6 feet to the intersection of a Range line between Ranges 30 and 31 west, thence south along said Range line a distance of 4788.6 feet to a point, thence east at an angle of 88 degrees 16 minutes a distance of 1884.3 feet to a point 320 feet south of the south line of the said Section 36; measured along a line at right angle therefrom; thence in a northeasterly direction parallel to and 320 feet distant from the south line of said Section 36, a distance of 2743 feet, more or less, to a point in Jackson Creek, said point being 3096 feet west of the southeast corner of said Section 36 measured along the south line thereof and 320 feet south measured at right angle therefrom,

Real Estate Title

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R-5-7A/RFM/ac1
C10-230-8

thence continuing in a northeasterly direction along the meanders of Jackson Creek to a point on the southerly projection of the east line of Section 56, 540 feet, more or less, south of the southeast corner thereof, thence northerly along the said projection of the east line of Section 56 a distance of 540 feet more or less to the point of beginning, containing 192 acres, more or less.

Enclosed herewith is a photostat entitled "U. S. Naval Air Station, Pensacola, Fla., Survey of M. C. Haley property lines adjacent to Curry Field, Dated September 24, 1941, N.A.S. DWG No. 8790," upon which the aforementioned land is delineated. Also enclosed herewith is a photostat of a certified copy of the judgment on declaration of taking in the above mentioned proceedings.

The Navy Department will appreciate your good offices in the matter of granting the session of jurisdiction covered by this application at the earliest practicable date.

Very truly yours,

13/ James Darrin

Encl: HW:

1. Photostat of map.
2. Photostat of Judgment on Declaration of Taking.

CC: Com 8
BuAero
CO, U.S. NAS,
Pensacola, Florida.

10-37

D E E D

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the following described parcel of land, within the limits of the County of Escambia, State of Florida, has been acquired by condemnation and is now being held by the United States of America for the purpose of use in connection with the Naval Air Station at Pensacola, Florida, as contemplated and provided in the Constitution of the United States:

A tract of land lying in Section 52 and 53, Township 2 South, Range 30 West, Escambia County, Florida, more particularly described as follows:

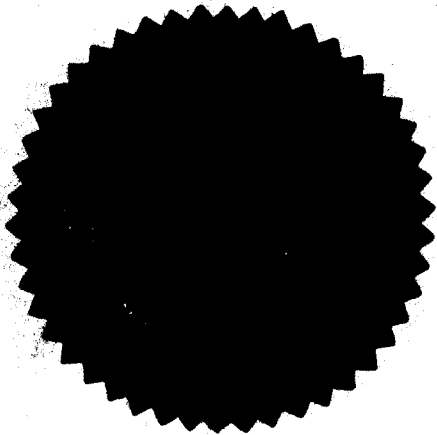
Beginning at the southeast corner of Section 56, Township 2 South, Range 30 West, thence in a southwesterly direction, along the southerly line of said Section 56, a distance of 6241.5 feet to the southwest corner thereof; thence in a northwesterly direction along the westerly line of said Section 56 a distance of 4110.6 feet to the intersection of a Range line between Ranges 30 and 31 west, thence south along said Range line a distance of 4755.6 feet to a point, thence east at an angle of 86 degrees 15 minutes a distance of 1884.3 feet to a point 820 feet south of the south line of the said Section 56; measured along a line at right angle therefrom; thence in a northeasterly direction parallel to and 820 feet distant from the south line of said Section 56, a distance of 2740 feet, more or less, to a point in Jackson Creek, said point being 3098 feet west of the southeast corner of said Section 56 measured along the south line thereof and 820 feet south measured at right angle therefrom, thence continuing in a northeasterly direction along the meanders of Jackson Creek to a point on the southerly projection of the east line of Section 56, 540 feet, more or less, south of the southeast corner thereof, thence northerly along the said projection of the east line of Section 56 a distance of 540 feet more or less to the point of beginning, containing 192 acres, more or less.

AND WHEREAS, application in writing has been made by the United States of America to me, Spessard L. Holland, as Governor of the State of Florida, to cede to the said United States of America jurisdiction over said land;

NOW, THEREFORE, I, SPESSARD L. HOLLAND, as Governor of the State of Florida, in the name and by the authority of said State and pursuant to the statutes of said State in such cases made and provided, do hereby cede to the United States of America, exclusive jurisdiction over said land so acquired.

PROVIDED, HOWEVER, that said cession of jurisdiction is made upon the express condition that the said State of Florida retains and shall have concurrent jurisdiction with the United States in and over said land and every portion thereof so far that all process, civil or criminal, issuing under authority of the State of Florida, or any of the courts or judicial officers thereof, may be executed by the proper officers thereof upon any person or persons amenable to the same, within the limits and extent of said land in like manner and like effect as if said statutes of the State of Florida had never been passed and this instrument had never been executed; saving, however, to the United States security to their property within said limits and extent, and exemption of the same from any taxation under laws of the State while the same shall continue to be owned and occupied by the United States for the purposes above expressed and not otherwise, and provided further, that this cession is made and shall in all things be subject to the terms and effect of the statutes of the State of Florida in such cases made

and provided the same as if such statutes were herein fully set forth.



IN TESTIMONY WHEREOF, I, SPESSARD L. HOLLAND, as Governor of the State of Florida, have hereunto set my hand and caused this instrument to be countersigned by the Secretary of State and sealed with the Great Seal of the State of Florida, at the Capitol, at Tallahassee, this 30th day of December, A. D. 1944.

ATTEST:

Spessard Holland
As Governor of the State of Florida

V. J. Gray
Secretary of State of the
State of Florida.

STATE OF FLORIDA

OFFICE OF SECRETARY OF STATE

} SS

I, R. A. Gray, Secretary of
State of the State of Florida, do hereby certify that the
foregoing Deed of Cession has been duly recorded in this
office in Deed Book B, pages 97-98.

Given under my hand and the Great Seal of the State
of Florida, at Tallahassee, the Capitol, this the 28 day
of February, A. D., 1945.

R. A. Gray
Secretary of State.

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IN THE

**Supreme Court
of Florida**

_____TERM

A. D. 19____

Plaintiff in Error

VS.

The State of Florida

Defendant in Error

BRIEF OF
ATTORNEY-GENERAL

State 6
C.V.

NDG/HL-13(Y2D)
F-4-1/CKP/vd

DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON 25, D. C.

AUG 5 1942

Sir:

An Act of Congress approved October 9, 1940 (54 Stat., 1083), provides that in any case where a state cedes jurisdiction over lands within its borders to the United States, the head or authorized officer of any department or independent establishment or agency of the Government having custody of such lands, shall, if such jurisdiction be accepted on behalf of the United States, file a notice of such acceptance with the governor of the State ceding such jurisdiction.

Pursuant to the provisions of the aforesaid act, jurisdiction is hereby accepted on behalf of the United States of America in the manner and form ceded by a certain Deed of Cession from the Governor of Florida to the United States of America dated July 18, 1942, over certain lands in Escambia County, Florida, in the custody of the Navy Department, to wit:

A tract of land lying in Section 52 and 53, Township 2 South, Range 30 West, Escambia County, Florida, more particularly described as follows:

Beginning at the southeast corner of Section 56 T2S, R30W, thence in a southwesterly direction, along the southerly line of said Section 56, a distance of 6241.5 feet to the southwest corner thereof; thence in a northwesterly direction along the westerly line of said Section 56 a distance of 4110.6 feet to the intersection of a Range line between Ranges 30 and 31 West, thence south along said Range line a distance of 4755.6 feet to a point, thence east at an angle of 86° 15' a distance of 1884.3 feet to a point 820 feet south of the south line of the said Section 56; measured along a line at right angle therefrom; thence in a **northeasterly** direction parallel to and 820 feet distance from the south line of said Section 56, a distance of 2740 feet, more or less, to a point in Jackson Creek, said point being 3098 feet west of the southeast corner of said Section 56 measured along the south line thereof and 820 feet south measured at right angle therefrom, thence continuing

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F-4-1/CKP/vd

in a northeasterly direction along the meanders of the Jackson Creek to a point on the southerly projection of the east line of Section 56, 540 feet, more or less, south of the southeast corner thereof, thence northerly along the said projection of the east line of Section 56 a distance of 540 feet more or less to the point of beginning, containing 192 acres more or less.

Jurisdiction over the above described lands is accepted on behalf of the United States effective at 12:00 o'clock noon on the 12th day of August, 1942. (DEK:13 DATED 12-10-44)

There are enclosed two carbon copies of this letter of acceptance. Their return in the enclosed franked envelope with your endorsement thereon of the time of the receipt of this acceptance will be appreciated. One copy will be forwarded to the Attorney General and the other retained in the files of the Navy Department.

The Navy Department appreciates the cooperation of the Governor of Florida in this matter.

Sincerely yours,

/s/ Frank Knox

FRANK KNOX
Secretary of the Navy

The Honorable
Spessard L. Holland,
Governor of Florida,
Tallahassee, Florida.

Enclosures: 2

CC: Com8

Atty Gen

Original of this letter received
and filed on the _____ day of
_____, 1942.

Governor

JAG:U:GKP:vd
NA9/ML-9(400508)

DEPARTMENT OF THE NAVY

WASHINGTON

MAY 28 1942

Sir:

Pursuant to the authority contained in the Acts of Congress approved June 15, 1940 (54 Stat., 400), June 11, 1940 (54 Stat., 265), August 1, 1888 (25 Stat., 357; U.S.C., title 40, sec. 257), and February 26, 1931 (46 Stat., 1421; U.S.C., title 40, sec. 258a), the United States of America instituted condemnation proceedings for the acquisition of 192 acres of land for additional aviation facilities for use in connection with the Naval Air Station, Pensacola, Florida.

The United States acquired a fee simple title to the land pursuant to a Declaration of Taking filed December 8, 1941, in the District Court of the United States for the Northern District of Florida, in the case of the United States of America v. 192 acres of land, more or less, in Escambia County, Florida, M. G. Boley, et al., P. Civil Action No. 97.

Formal application is hereby made by the Navy Department on behalf of the United States of America for cession by the State of Florida pursuant to Section 7, Article 2, Chapter I, Title II, Compiled General Laws of Florida, 1927, of exclusive jurisdiction over the above-mentioned land in the custody of the Navy Department, to wit:

A tract of land lying in Section 52 and 53, Township 2 South, Range 30 West, Escambia County, Florida, more particularly described as follows:

Beginning at the southeast corner of Section 56 T2S, R30W, thence in a southwesterly direction, along the southerly line of said Section 56, a distance of 6241.5 feet to the southwest corner thereof; thence in a northwesterly direction along the westerly line of said Section 56 a distance of 4110.6 feet to the intersection of a Range line between Ranges 30 and 31 west, thence south along said Range line a distance of 4755.6 feet to a point, thence east at an angle of 86° 15' a distance of 1664.3 feet to a

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NA9/ML-9(400508)

point 820 feet south of the south line of the said Section 56; measured along a line at right angle therefrom; thence in a northeasterly direction parallel to and 820 feet distant from the south line of said Section 56, a distance of 2740 feet, more or less, to a point in Jackson Creek, said point being 3098 feet west of the southeast corner of said Section 56 measured along the south line thereof and 820 feet south measured at right angle therefrom, thence continuing in a northeasterly direction along the meanders of the Jackson Creek to a point on the southerly projection of the east line of Section 56, 540 feet, more or less, south of the southeast corner thereof, thence northerly along the said projection of the east line of Section 56 a distance of 540 feet more or less to the point of beginning, containing 192 acres more or less.

There is enclosed herewith photostatic copy of drawing entitled "U.S. Naval Air Station, Pensacola, Fla., Survey of M. C. Boley Property Lines Adjacent to Curry Field, Parts of Sec. 52 & Sec. 53, T.23, R30W, Escambia County, Florida," on which the above-mentioned land is delineated.

A certified copy of the opinion of the Attorney General of the United States dated December 20, 1941, stating that a valid title to the land is vested in the United States is forwarded for your convenience.

The Navy Department will appreciate your good offices in the matter of granting the cession of jurisdiction covered by this application at the earliest practicable date.

Very truly yours,

/s/ James Forrestal

Acting Secretary of the Navy

Enclosures (2)

The Honorable
The Governor of Florida,
Tallahassee.

CC Atty Gen
Com 8